IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.Rev.Pet.No. 708 of 2007()

CMP.232/2006 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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REVN. PETITIONER:

P.SURENDRAN PILLAI, PROPRIETOR,
LEKSHMI AGENCIES, XII/831,
VIKAS ROAD, KARUVELIPPADY, KOCHI-5

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.S.HARIKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. O.P.RAPHEL, S/O PYLEE,
OLATTUPURATHU, MUNAMBAM,
PALLIPPURAM, ERNAKULAM.

BY PUBLIC PROSECUTOR C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.708 of 2007

Dated this the 15th day of February, 2007

ORDER

Revision petitioner, the complainant had instituted proceedings under Section 138 of the Negotiable Instruments Act. There was a delay of 73 days in filing the complaint. He has filed an application seeking to condone the delay and also filed an affidavit reciting the reasons in support. The court below has just dismissed the above application without mentioning any reason. Hence the revision petition is filed before this court.

2. In the circumstances, the order in C.M.P.No.232/2006 and order in C.M.P.No.233/2006 are hereby set aside. The court below is directed to reconsider the matter and dispose of the same on merits. The revision petitioner shall appear before the court below on 6.3.2007.

The Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

S.A.No.709 of 1996

JUDGMENT

1st February, 2007